

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ROBERT T. WARTERFIELD, #1829999

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:17cv330

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation recommending that the petition for writ of habeas corpus be denied as time-barred, and the case be dismissed with prejudice. Petitioner filed objections.

In Petitioner's objections, he argues his petition is not time-barred or alternatively, that he should receive equitable tolling. He also reurges the issues raised in his petition. Petitioner is simply mistaken. He fails to show that he timely filed his petition or that he is entitled to equitable tolling. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of facts and recommendations for the disposition of such action, has been presented for consideration. After conducting a *de novo* review of Petitioner's objections, the Court determines they are without merit and concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is therefore **ORDERED** the petition for writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 10th day of August, 2020.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE